

2012 Kansas Statutes

84-9-620. Acceptance of collateral in full or partial satisfaction of obligation; compulsory disposition of collateral. (a) **Conditions to acceptance in satisfaction.** Except as otherwise provided in subsection (g), a secured party may accept collateral in full or partial satisfaction of the obligation it secures only if:

- (1) The debtor consents to the acceptance under subsection (c);
- (2) the secured party does not receive, within the time set forth in subsection (d), a notification of objection to the proposal authenticated by:
 - (A) A person to which the secured party was required to send a proposal under K.S.A. 2012 Supp. 84-9-621, and amendments thereto; or
 - (B) any other person, other than the debtor, holding an interest in the collateral subordinate to the security interest that is the subject of the proposal;
- (3) if the collateral is consumer goods, the collateral is not in the possession of the debtor when the debtor consents to the acceptance; and
- (4) subsection (e) does not require the secured party to dispose of the collateral or the debtor waives the requirement pursuant to K.S.A. 2012 Supp. 84-9-624, and amendments thereto.

(b) **Purported acceptance ineffective.** A purported or apparent acceptance of collateral under this section is ineffective unless:

- (1) The secured party consents to the acceptance in an authenticated record or sends a proposal to the debtor; and
- (2) the conditions of subsection (a) are met.

(c) **Debtor's consent.** For purposes of this section:

(1) A debtor consents to an acceptance of collateral in partial satisfaction of the obligation the collateral secures only if the debtor agrees to the terms of the acceptance in a record authenticated after default; and

(2) a debtor consents to an acceptance of collateral in full satisfaction of the obligation the collateral secures only if the debtor agrees to the terms of the acceptance in a record authenticated after default or the secured party:

(A) Sends to the debtor after default a proposal that is unconditional or subject only to a condition that collateral not in the possession of the secured party be preserved or maintained;

(B) in the proposal, proposes to accept collateral in full satisfaction of the obligation it secures; and

(C) does not receive a notification of objection authenticated by the debtor within 20 days after the proposal is sent.

(d) **Effectiveness of notification.** To be effective under subsection (a)(2), a notification of objection must be received by the secured party:

(1) In the case of a person to which the proposal was sent pursuant to K.S.A. 2012 Supp. 84-9-621, and amendments thereto, within 20 days after notification was sent to that person; and

(2) in other cases:

(A) Within 20 days after the last notification was sent pursuant to K.S.A. 2012 Supp. 84-9-621, and amendments thereto; or

(B) if a notification was not sent, before the debtor consents to the acceptance under subsection (c).

(e) **Mandatory disposition of consumer goods.** A secured party that has taken possession of collateral shall dispose of the collateral pursuant to K.S.A. 2012 Supp. 84-9-610, and amendments thereto, within the time specified in subsection (f) if:

(1) Sixty percent of the cash price has been paid in the case of a purchase-money security interest in consumer goods; or

(2) sixty percent of the principal amount of the obligation secured has been paid in the case of a non-purchase-money security interest in consumer goods.

(f) **Compliance with mandatory disposition requirement.** To comply with subsection (e), the secured party shall dispose of the collateral:

(1) Within 90 days after taking possession; or

(2) within any longer period to which the debtor and all secondary obligors have agreed in an agreement to that effect entered into and authenticated after default.

(g) **No partial satisfaction in consumer transaction.** In a consumer transaction, a secured party may not accept collateral in partial satisfaction of the obligation it secures.

History: L. 2000, ch. 142, § 118; July 1, 2001.